

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMPLAINT OF BING BING CORP.

AS OWNER OF THE 55' F/V/ BING
BING (O.N. 583490), HER ENGINES,
MACHINERY, TACKLE, APPAREL,
APPURTENANCES, ETC., FOR
EXONERATION FROM, OR
LIMITATIONS OF, LIABILITY, CIVIL
AND MARITIME

**CIVIL ACTION
NO. 22-11316-ADB**

ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

This matter is before the Court on Plaintiff's Motion for Entry of Default Pursuant to Rule F(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims. [ECF No. 15]. For the reasons that follow, Plaintiff's Motion is ALLOWED.

On August 16, 2022, Plaintiff filed a Complaint for Exoneration From or Limitation of Liability, pursuant to 46 U.S.C. § 30501 *et seq.*, and in accordance with the procedures set forth in Rule F of the Supplemental Rules for Certain Admiralty or Maritime Claims (the "Supplemental Rules"). [ECF No. 1]. On September 14, 2022, upon motion of the Plaintiff, the Court entered an Order Directing Issuance of Notice and Restraining Suits. [ECF No. 4]. The Order directed, in part, that

Notice shall be issued by the Clerk of this Court to all persons asserting claims or suits with respect to which the Complaint seeks Exoneration of Limitation of Liability admonishing them to file their respective claims with the Clerk of this Court, in writing, and to serve on the attorneys for the Plaintiff Bing Bing Corp. a copy thereof, ON OR BEFORE THE 19 DAY OF OCTOBER, 2022, or be defaulted; and that if any claimant desires to contest either the right to Exoneration from or the right to Limitation of Liability, such claimant shall file and serve on the attorneys for the Plaintiff, Bing Bing Corp., HOLBROOK & MURPHY at 238-240 Lewis Wharf, Boston, Massachusetts 02110, an Answer to the Complaint on or before the above referenced date, unless the claim has included an Answer to the Complaint, so designated, or be defaulted;

[ECF No. 4 at 2-3.] The Order further directed that the Notice shall be published in a newspaper with general circulation in the District of Massachusetts once a week for four (4) weeks before the return date of said Notice. In addition, the Order instructed Plaintiff to mail

copies of the Notice to every person known to have made any claims against the Vessel of Plaintiff, Bing Bing Corp., or its attorneys. [Id. at 3]

Plaintiff's counsel has submitted an Affidavit, [ECF No. 15-1], which confirms Plaintiff's compliance with the Court's September 14, 2022 Order. To date, one Claimant, Kristian Ostapchuk, has come forward and filed Claims and Answers to Plaintiff's Complaint on October 13, 2022. [ECF Nos. 6, 7].

Plaintiff's Report of Claims, [ECF No. 12], confirms that as of November 4, 2022, only one claim has been received by the Plaintiff. See also ECF No. 15-1.

Therefore, it is hereby ORDERED and ADJUDGED as follows:

1. Plaintiff's Motion for Entry of Default, [ECF No. 15], is ALLOWED.
2. All persons or entities, other than Kristian Ostapchuk, who have not filed claims before the October 19, 2022 deadline ordered by the Court, have defaulted in the matter of the Complaint for Exoneration From or Limitation of Liability filed by the Plaintiff in this action, and Default will be entered as to them pursuant to Rule F of the Supplemental Rules for Admiralty or Maritime Claims, and Rule 55 of the Federal Rules of Civil Procedure.
3. The Clerk is directed to enter default judgment in favor of the Plaintiff, and against any and all persons or entities who failed to file a claim in this action by the October 19, 2022 deadline.

SO ORDERED. Dated:

December 22, 2022

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE